

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

JAMES FILLIP MOATES,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Civil Action No.: 03-678-BH-B
	)	
JIM COOKE, ET AL.	)	
	)	
Respondent.	)	

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that petitioner's action be dismissed as barred by the statute of limitations.

**DONE** this 28th day of July, 2005.

s/ W. B. Hand  
SENIOR DISTRICT JUDGE